

111TH CONGRESS  
2D SESSION

# S. 3824

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2010

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Strengthening Pipeline Safety and Enforcement Act of  
6 2010”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States code.
- Sec. 3. Additional resources for Pipeline and Hazardous Materials Safety Administration.
- Sec. 4. Civil penalties.
- Sec. 5. Collection of data on transportation-related oil flow lines.
- Sec. 6. Required installation and use in pipelines of remotely or automatically controlled valves.
- Sec. 7. Standards for natural gas pipeline leak detection.
- Sec. 8. Considerations for identification of high consequence areas.
- Sec. 9. Regulation by Secretary of Transportation of gas and hazardous liquid gathering lines.
- Sec. 10. Inclusion of non-petroleum fuels and biofuels in definition of hazardous liquid.
- Sec. 11. Required periodic inspection of pipelines by instrumented internal inspection devices.
- Sec. 12. Minimum safety standards for transportation of carbon dioxide by pipeline.
- Sec. 13. Cost recovery for pipeline design reviews by Secretary of Transportation.
- Sec. 14. International cooperation and consultation on pipeline safety and regulation.
- Sec. 15. Waivers of pipeline standards by Secretary of Transportation.
- Sec. 16. Collection of data on pipeline infrastructure for National pipeline mapping system.
- Sec. 17. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 18. Clarification of provisions of law relating to pipeline safety.

3 **SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.**

4 Except as otherwise expressly provided, whenever in  
 5 this Act an amendment or repeal is expressed in terms  
 6 of an amendment to, or a repeal of, a section or other  
 7 provision, the reference shall be considered to be made to  
 8 a section or other provision of title 49, United States  
 9 Code.

1 **SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZ-**  
2 **ARDOUS MATERIALS SAFETY ADMINISTRA-**  
3 **TION.**

4 (a) IN GENERAL.—The Secretary shall increase the  
5 number of full-time equivalent employees of the Pipeline  
6 and Hazardous Materials Safety Administration by not  
7 fewer than 100 compared to the number of full-time equiv-  
8 alent employees of the Administration employed on the  
9 day before the date of the enactment of this Act to carry  
10 out the pipeline safety program, of which—

11 (1) not fewer than 25 full-time equivalent em-  
12 ployees shall be added in fiscal year 2011;

13 (2) not fewer than 25 full-time equivalent em-  
14 ployees shall be added in fiscal year 2012;

15 (3) not fewer than 25 full-time equivalent em-  
16 ployees shall be added in fiscal year 2013; and

17 (4) not fewer than 25 full-time equivalent em-  
18 ployees shall be added in fiscal year 2014.

19 (b) FUNCTIONS.—In increasing the number of em-  
20 ployees under subsection (a), the Secretary shall focus on  
21 hiring employees—

22 (1) to conduct data collection, analysis, and re-  
23 porting;

24 (2) to develop, implement, and update informa-  
25 tion technology;

1           (3) to conduct inspections of pipeline facilities  
2           to determine compliance with applicable regulations  
3           and standards;

4           (4) to provide administrative, legal, and other  
5           support for pipeline enforcement activities; and

6           (5) to support the overall pipeline safety mis-  
7           sion of the Pipeline and Hazardous Materials Safety  
8           Administration, including training pipeline enforce-  
9           ment personnel.

10 **SEC. 4. CIVIL PENALTIES.**

11           (a) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-  
12           TIONS.—Section 60122 is amended by striking subsection  
13           (c) and inserting the following:

14           “(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-  
15           TIONS.—

16           “(1) IN GENERAL.—If the Secretary deter-  
17           mines, after written notice and an opportunity for a  
18           hearing, that a person has committed a major con-  
19           sequence violation of subsection (b) or (d) of section  
20           60114, section 60118(a), or a regulation prescribed  
21           or order issued under this chapter such person shall  
22           be liable to the United States Government for a civil  
23           penalty of not more than \$250,000 for each such  
24           violation.

1 “(2) SEPARATE VIOLATIONS.—A separate viola-  
 2 tion occurs for each day the violation continues.

3 “(3) MAXIMUM CIVIL PENALTY.—The max-  
 4 imum civil penalty under this subsection for a re-  
 5 lated series of major consequence violations is  
 6 \$2,500,000.

7 “(4) DEFINITION.—In this subsection, the term  
 8 ‘major consequence violation’ means a violation that  
 9 contributed to an incident resulting in any of the fol-  
 10 lowing:

11 “(A) One or more deaths.

12 “(B) One or more injuries or illnesses re-  
 13 quiring hospitalization.

14 “(C) Environmental harm exceeding  
 15 \$250,000 in estimated damage to the environ-  
 16 ment including property loss.

17 “(D) A release of gas or hazardous liquid  
 18 that ignites or otherwise presents a safety  
 19 threat to the public or presents a threat to the  
 20 environment in a high consequence area, as de-  
 21 fined by the Secretary in accordance with sec-  
 22 tion 60109.”.

23 (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS  
 24 AND INVESTIGATIONS.—Section 60118(e) is amended—

1           (1) by striking “If the Secretary” and inserting  
2           the following:

3           “(1) IN GENERAL.—If the Secretary”; and

4           (2) by adding at the end the following:

5           “(2) CIVIL PENALTIES.—The Secretary may  
6           impose a civil penalty under section 60122 on a per-  
7           son who obstructs or prevents the Secretary from  
8           carrying out an inspection or investigation under  
9           this chapter.”.

10          (c) NONAPPLICABILITY OF ADMINISTRATIVE PEN-  
11          ALTY CAPS.—Section 60120 is amended by adding at the  
12          end the following:

13          “(d) NONAPPLICABILITY OF ADMINISTRATIVE PEN-  
14          ALTY CAPS.—The maximum amount of civil penalties for  
15          administrative enforcement actions under section 60122  
16          shall not apply to enforcement actions under this sec-  
17          tion.”.

18          (d) JUDICIAL REVIEW OF ADMINISTRATIVE EN-  
19          FORCEMENT ORDERS.—

20               (1) IN GENERAL.—Section 60119(a)(1) is  
21               amended by striking “about an application for a  
22               waiver under section 60118(c) or (d) of” and insert-  
23               ing “under”.

24               (2) CLERICAL AMENDMENT.—The heading for  
25               section 60119(a) is amended to read as follows:

1 “REVIEW OF REGULATIONS, ORDERS, AND OTHER  
2 FINAL AGENCY ACTIONS”.

3 **SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RE-**  
4 **LATED OIL FLOW LINES.**

5 Section 60102 is amended by adding at the end the  
6 following:

7 “(n) COLLECTION OF DATA ON TRANSPORTATION-  
8 RELATED OIL FLOW LINES.—

9 “(1) IN GENERAL.—The Secretary may collect  
10 geospatial, technical, or other pipeline data on trans-  
11 portation-related oil flow lines, including unregulated  
12 transportation-related oil flow lines.

13 “(2) TRANSPORTATION-RELATED OIL FLOW  
14 LINE DEFINED.—In this subsection, the term ‘trans-  
15 portation-related oil flow line’ means a pipeline  
16 transporting oil off of the grounds of the production  
17 facility where it originated across areas not owned  
18 by the producer regardless of the extent to which the  
19 oil has been processed.

20 “(3) CONSTRUCTION.—Nothing in this sub-  
21 section may be construed to authorize the Secretary  
22 to prescribe standards for the movement of oil  
23 through—

24 “(A) production, refining, or manufac-  
25 turing facilities; or

1 “(B) oil production flow lines located on  
2 the grounds of production facilities.”.

3 **SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES**  
4 **OF REMOTELY OR AUTOMATICALLY CON-**  
5 **TROLLED VALVES.**

6 Section 60102, as amended by section 5, is further  
7 amended by adding at the end the following:

8 “(o) REMOTELY OR AUTOMATICALLY CONTROLLED  
9 VALVES.—

10 “(1) IN GENERAL.—Not later than 18 months  
11 after the date of the Strengthening Pipeline Safety  
12 and Enforcement Act of 2010, the Secretary shall  
13 prescribe regulations requiring the installation and  
14 use in pipelines and pipeline facilities, wherever tech-  
15 nically and economically feasible, of remotely or  
16 automatically controlled valves that are reliable and  
17 capable of shutting off the flow of gas in the event  
18 of an accident, including accidents in which there is  
19 a loss of the primary power source.

20 “(2) CONSULTATIONS.—In developing regula-  
21 tions prescribed in accordance with paragraph (1),  
22 the Secretary shall consult with appropriate groups  
23 from the gas pipeline industry and pipeline safety  
24 experts.”.



1 **SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DE-**  
 2 **TECTION.**

3 Section 60102, as amended by sections 5 and 6, is  
 4 further amended by adding at the end the following:

5 “(p) NATURAL GAS LEAK DETECTION.—Not later  
 6 than 1 year after the date of the enactment of this sub-  
 7 section, the Secretary shall establish standards for natural  
 8 gas leak detection equipment and methods, with the goal  
 9 of establishing a pipeline system in which substantial leaks  
 10 in high consequence areas are identified as expeditiously  
 11 as technologically possible.”.

12 **SEC. 8. CONSIDERATIONS FOR IDENTIFICATION OF HIGH**  
 13 **CONSEQUENCE AREAS.**

14 Section 60109 is amended by adding at the end the  
 15 following:

16 “(g) CONSIDERATIONS FOR IDENTIFICATION OF  
 17 HIGH CONSEQUENCE AREAS.—In identifying high con-  
 18 sequence areas under this section, the Secretary shall con-  
 19 sider—

20 “(1) the seismicity of the area;

21 “(2) the age of the pipe; and

22 “(3) whether the pipe at issue can be inspected  
 23 using the most modern instrumented internal inspec-  
 24 tion devices.”.

1 **SEC. 9. REGULATION BY SECRETARY OF TRANSPORTATION**  
2 **OF GAS AND HAZARDOUS LIQUID GATHERING**  
3 **LINES.**

4 (a) GAS GATHERING LINES.—Paragraph (21) of sec-  
5 tion 60101(a) is amended to read as follows:

6 “(21) ‘transporting gas’ means the gathering,  
7 transmission, or distribution of gas by pipeline, or  
8 the storage of gas, in interstate or foreign com-  
9 merce.”.

10 (b) HAZARDOUS LIQUID GATHERING LINES.—Sec-  
11 tion 60101(a)(22)(B) is amended—

12 (1) by striking clause (i); and

13 (2) by redesignating clauses (ii) and (iii) as  
14 clauses (i) and (ii), respectively.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on the date that is 1 year  
17 after the date of the enactment of this Act.

18 **SEC. 10. INCLUSION OF NON-PETROLEUM FUELS AND**  
19 **BIOFUELS IN DEFINITION OF HAZARDOUS**  
20 **LIQUID.**

21 Section 60101(a)(4) is amended—

22 (1) in subparagraph (A), by striking “and” at  
23 the end;

24 (2) by redesignating subparagraph (B) as sub-  
25 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-  
 2 lowing:

3 “(B) non-petroleum fuels, including  
 4 biofuels that are flammable, toxic, corrosive, or  
 5 would be harmful to the environment if released  
 6 in significant quantities; and”.

7 **SEC. 11. REQUIRED PERIODIC INSPECTION OF PIPELINES**  
 8 **BY INSTRUMENTED INTERNAL INSPECTION**  
 9 **DEVICES.**

10 Section 60102(f) is amended by striking paragraph  
 11 (2) and inserting the following:

12 “(2) PERIODIC INSPECTIONS.—

13 “(A) IN GENERAL.—Not later than 270  
 14 days after the date of the enactment of the  
 15 Strengthening Pipeline Safety and Enforcement  
 16 Act of 2010, the Secretary shall prescribe addi-  
 17 tional standards requiring the periodic inspec-  
 18 tion of each pipeline the operator of the pipeline  
 19 identifies under section 60109.

20 “(B) INSPECTION WITH INTERNAL INSPEC-  
 21 TION DEVICE.—

22 “(i) IN GENERAL.—Except as pro-  
 23 vided in clause (ii), the standards pre-  
 24 scribed under subparagraph (A) shall re-  
 25 quire that an inspection shall be conducted

1 at least once every 5 years with an instru-  
2 mented internal inspection device.

3 “(ii) EXCEPTION FOR SEGMENTS  
4 WHERE DEVICES CANNOT BE USED.—If a  
5 device described in clause (i) cannot be  
6 used in a segment of a pipeline, the stand-  
7 ards prescribed in subparagraph (A) shall  
8 require use of an inspection method that  
9 the Secretary certifies to be at least as ef-  
10 fective as using the device in—

11 “(I) detecting corrosion;

12 “(II) detecting pipe stress; and

13 “(III) otherwise providing for the  
14 safety of the pipeline.

15 “(C) OPERATION UNDER HIGH PRES-  
16 SURE.—The Secretary shall prohibit a pipeline  
17 segment from operating under high pressure if  
18 the pipeline segment cannot be inspected—

19 “(i) with a device described in clause  
20 (i) of subparagraph (B) in accordance with  
21 the standards prescribed pursuant to such  
22 clause; or

23 “(ii) using an inspection method de-  
24 scribed in clause (ii) of such subparagraph

1 in accordance with the standards pre-  
 2 scribed pursuant to such clause.”.

3 **SEC. 12. MINIMUM SAFETY STANDARDS FOR TRANSPOR-**  
 4 **TATION OF CARBON DIOXIDE BY PIPELINE.**

5 Subsection (i) of section 60102 is amended to read  
 6 as follows:

7 “(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—  
 8 The Secretary shall prescribe minimum safety standards  
 9 for the transportation of carbon dioxide by pipeline in ei-  
 10 ther a liquid or gaseous state.”.

11 **SEC. 13. COST RECOVERY FOR PIPELINE DESIGN REVIEWS**  
 12 **BY SECRETARY OF TRANSPORTATION.**

13 Subsection (n) of section 60117 is amended to read  
 14 as follows:

15 “(n) COST RECOVERY FOR DESIGN REVIEWS.—

16 “(1) IN GENERAL.—If the Secretary conducts  
 17 facility design safety reviews in connection with a  
 18 proposal to construct, expand, or operate a gas or  
 19 hazardous liquid pipeline or liquefied natural gas  
 20 pipeline facility, including construction inspections  
 21 and oversight, the Secretary may require the person  
 22 proposing the construction, expansion, or operation  
 23 to pay the costs incurred by the Secretary relating  
 24 to such reviews.

1           “(2) FEE STRUCTURE AND COLLECTION PROCE-  
 2           DURES.—If the Secretary exercises the authority  
 3           under paragraph (1) with respect to conducting fa-  
 4           cility design safety reviews, the Secretary shall pre-  
 5           scribe—

6                   “(A) a fee structure and assessment meth-  
 7                   odology that is based on the costs of providing  
 8                   such reviews; and

9                   “(B) procedures to collect fees.

10           “(3) ADDITIONAL AUTHORITY.—This authority  
 11           is in addition to the authority provided under section  
 12           60301.

13           “(4) NOTIFICATION.—For any pipeline con-  
 14           struction project beginning after the date of the en-  
 15           actment of this subsection in which the Secretary  
 16           conducts design reviews, the person proposing the  
 17           project shall notify the Secretary and provide the de-  
 18           sign specifications, construction plans and proce-  
 19           dures, and related materials not later than 120 days  
 20           prior to the commencement of such project.

21           “(5) PIPELINE SAFETY DESIGN REVIEW  
 22           FUND.—

23                   “(A) IN GENERAL.—There is established in  
 24                   the Treasury of the United States a revolving  
 25                   fund known as the ‘Pipeline Safety Design Re-

1 view Fund’ (in this paragraph referred to as  
2 the ‘Fund’).

3 “(B) ELEMENTS.—There shall be depos-  
4 ited in the fund the following, which shall con-  
5 stitute the assets of the Fund:

6 “(i) Amounts paid into the Fund  
7 under any provision of law or regulation  
8 established by the Secretary imposing fees  
9 under this subsection.

10 “(ii) All other amounts received by  
11 the Secretary incident to operations relat-  
12 ing to reviews described in paragraph (1).

13 “(C) USE OF FUNDS.—The Fund shall be  
14 available to the Secretary, without fiscal year  
15 limitation, to carry out the provisions of this  
16 chapter.”.

17 **SEC. 14. INTERNATIONAL COOPERATION AND CONSULTA-**  
18 **TION ON PIPELINE SAFETY AND REGULA-**  
19 **TION.**

20 Section 60117 is amended by adding at the end the  
21 following:

22 “(o) INTERNATIONAL COOPERATION AND CONSULTA-  
23 TION.—

24 “(1) INFORMATION EXCHANGE AND TECHNICAL  
25 ASSISTANCE.—Subject to guidance from the Sec-

1       retary of State, the Secretary may engage in activi-  
2       ties supporting cooperative international efforts to  
3       share information about the risks to the public and  
4       the environment from pipelines and means of pro-  
5       tecting against those risks if the Secretary deter-  
6       mines that such activities would benefit the United  
7       States. Such cooperation may include the exchange  
8       of information with domestic and appropriate inter-  
9       national organizations to facilitate efforts to develop  
10      and improve safety standards and requirements for  
11      pipeline transportation in or affecting interstate or  
12      foreign commerce.

13           “(2) CONSULTATION.—Subject to guidance  
14      from the Secretary of State, the Secretary may, to  
15      the extent practicable, consult with interested au-  
16      thorities in Canada, Mexico, and other interested au-  
17      thorities to ensure that the respective pipeline safety  
18      standards and requirements prescribed by the Sec-  
19      retary and those prescribed by such authorities are  
20      consistent with the safe and reliable operation of  
21      cross-border pipelines.

22           “(3) CONSTRUCTION REGARDING DIFFERENCES  
23      IN INTERNATIONAL STANDARDS AND REQUIRE-  
24      MENTS.—Nothing in this section shall be construed  
25      to require that a standard or requirement prescribed



1 by the Secretary under this chapter be identical to  
 2 a standard or requirement adopted by an inter-  
 3 national authority.”.

4 **SEC. 15. WAIVERS OF PIPELINE STANDARDS BY SEC-**  
 5 **RETARY OF TRANSPORTATION.**

6 (a) NONEMERGENCY WAIVERS.—Paragraph (1) of  
 7 section 60118(c) is amended to read as follows:

8 “(1) NONEMERGENCY WAIVERS.—

9 “(A) IN GENERAL.—Upon receiving an ap-  
 10 plication from an owner or operator of a pipe-  
 11 line facility, the Secretary may, by order, waive  
 12 compliance with any part of an applicable  
 13 standard prescribed under this chapter with re-  
 14 spect to the facility on such terms as the Sec-  
 15 retary considers appropriate, if the Secretary  
 16 determines that such waiver is not inconsistent  
 17 with pipeline safety.

18 “(B) CONSIDERATIONS.—In determining  
 19 whether to grant a waiver under subparagraph  
 20 (A), the Secretary shall consider—

21 “(i) the fitness of the applicant to  
 22 conduct the activity authorized by the  
 23 waiver in a manner that is consistent with  
 24 pipeline safety;

1 “(ii) the applicant’s compliance his-  
2 tory;

3 “(iii) the applicant’s accident history;  
4 and

5 “(iv) any other information the Sec-  
6 retary considers relevant to making the de-  
7 termination.

8 “(C) EFFECTIVE PERIOD.—

9 “(i) OPERATING REQUIREMENTS.—A  
10 waiver of 1 or more pipeline operating re-  
11 quirements under subparagraph (A) shall  
12 be effective for an initial period of not  
13 longer than 5 years and may be renewed  
14 by the Secretary upon application for suc-  
15 cessive periods of not longer than 5 years  
16 each.

17 “(ii) DESIGN OR MATERIALS RE-  
18 QUIREMENT.—If the Secretary determines  
19 that a waiver of a design or materials re-  
20 quirement is warranted under subpara-  
21 graph (A), the Secretary may grant the  
22 waiver for any period the Secretary con-  
23 siderers appropriate.

24 “(D) PUBLIC NOTICE AND HEARING.—The  
25 Secretary may waive compliance under subpara-

graph (A) only after public notice and hearing,  
which may consist of—

“(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

“(ii) providing the public with the opportunity to review and comment on the application.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

“(i) failure of the recipient to comply with the terms or conditions of the waiver;

“(ii) intervening changes in Federal law;

“(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

“(iv) such other reasons as the Secretary considers appropriate.”.

(b) FEES.—Section 60118(c) is amended by adding

at the end the following:

1 “(4) FEES.—

2 “(A) IN GENERAL.—The Secretary shall  
3 establish reasonable fees for processing applica-  
4 tions for waivers under this subsection that are  
5 based on the costs of activities relating to waiv-  
6 ers under this subsection. Such fees may in-  
7 clude a basic filing fee, as well as fees to re-  
8 cover the costs of technical studies or environ-  
9 mental analysis for such applications.

10 “(B) PROCEDURES.—The Secretary shall  
11 prescribe procedures for the collection of fees  
12 under subparagraph (A).

13 “(C) ADDITIONAL AUTHORITY.—The au-  
14 thority provided under subparagraph (A) is in  
15 addition to the authority provided under section  
16 60301.

17 “(D) PIPELINE SAFETY SPECIAL PERMIT  
18 FUND.—

19 “(i) IN GENERAL.—There is estab-  
20 lished in the Treasury of the United States  
21 a revolving fund known as the ‘Pipeline  
22 Safety Special Permit Fund’ (in this sub-  
23 paragraph referred to as the ‘Fund’).

“(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

“(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

“(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

“(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.”.

**SEC. 16. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.**

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking “Not later than 6 months after the date of the enactment of this section, the” and inserting “Each”;

(2) in subsection (a), by adding at the end the following:

1           “(4) Such other geospatial, technical, or other  
 2       pipeline data, including design and material speci-  
 3       fications, as the Secretary considers necessary to  
 4       carry out the purposes of this chapter, including  
 5       preconstruction design reviews and compliance in-  
 6       spection prioritization.”; and

7           (3) by adding at the end the following:

8       “(d) NOTICE.—The Secretary shall give reasonable  
 9       notice to the operator of a pipeline facility of any data  
 10      being requested under this section.”.

11   **SEC. 17. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**

12                   **TRANSPORTED BY PIPELINE.**

13       (a) **AUTHORITY TO CARRY OUT ANALYSIS.**—Not  
 14       later than 270 days after the date of the enactment of  
 15       this Act, the Secretary of Transportation shall conduct an  
 16       analysis of the transportation of non-petroleum hazardous  
 17       liquids by pipeline for the purpose of identifying the extent  
 18       to which pipelines are currently being used to transport  
 19       non-petroleum hazardous liquids, such as chlorine, from  
 20       chemical production facilities across land areas not owned  
 21       by the producer that are accessible to the public. The anal-  
 22       ysis shall identify the extent to which the safety of the  
 23       lines is unregulated by the States and evaluate whether  
 24       the transportation of such chemicals by pipeline across  
 25       areas accessible to the public would present significant

1 risks to public safety, property, or the environment in the  
2 absence of regulation.

3 (b) REPORT.—Not later than 365 days after the date  
4 of the enactment of this Act, the Secretary shall submit  
5 to Congress a report containing the findings of the Sec-  
6 retary with respect to the analysis conducted pursuant to  
7 subsection (a).

8 **SEC. 18. CLARIFICATION OF PROVISIONS OF LAW RELAT-**  
9 **ING TO PIPELINE SAFETY.**

10 (a) AMENDMENT OF PROCEDURES CLARIFICA-  
11 TION.—Section 60108(a)(1) is amended by striking “an  
12 intrastate” and inserting “a”.

13 (b) OWNER OPERATOR CLARIFICATION.—Section  
14 60102(a)(2)(A) is amended by striking “owners and oper-  
15 ators” and inserting “any or all of the owners or opera-  
16 tors”.

17 (c) ONE CALL ENFORCEMENT CLARIFICATION.—  
18 Section 60114(f) is amended by adding at the end the fol-  
19 lowing: “This limitation shall not apply to proceedings  
20 against persons who are pipeline operators.”.

○